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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,996	02/11/2004	Masashi Tatsukawa	02008/147001	5859

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EXAMINER


TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,996	Applicant(s) TATSUKAWA ET AL. 	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2,3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>112205,122805</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The submission of amendment filed on 11/22/2005 is acknowledged. At this point claims 1 and 2 have been amended, new claim 6 have has added and the remaining claims left unchanged. Thus, claims 1-6 are at issue in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Katoh (US 5,032,960).

Katoh discloses (Figs.5, 6B, 9B) a lighting device including a linear light source having a plurality of aligned LEDs [32] and an optical component (lens) [34]. The lens [34] has its focus on each one of the plurality of LEDs (Fig.9B).

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Yanez (US 4,883,333).

Yanez disclose (Fig.2) a plurality of aligned LEDs [2] (col.4, lines 33-35) placed at the focal point of an elliptical reflecting mirror [7] (col.1, lines 44-48) used for directing the light emitted from the light source. The reflector [7] has its focus on each one of the plurality of LEDs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh (US 5,032,960) in view of Tiao et al. (US 6,254,246).

Katoh discloses the instant claimed invention except for an odd number of semiconductors and the optical center of the optical component positioned at the center of them.

Tiao et al. (Fig.7A) disclose this limitation. Providing the optical center of the lens on a central light source allows to obtain a symmetrical light distribution pattern.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the optical component having its optical center on one of the LEDs, as taught by Tiao et al. for the device of Katoh, in order to obtain symmetrical light distribution pattern.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh and Tiao et al., as applied to claim 1 above, and further in view of Massieu et al. (US 5,397,885).

Katoh et al. disclose the instant claimed invention except for an asymmetrical arrangement of the plurality of the semiconductors with respect to the optical center of the optical component.

Art Unit: 2875

Massieu et al. disclose an asymmetrical arrangement of the plurality of the LEDs with respect to the optical center, what allow to obtain asymmetrical light distribution pattern.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the to asymmetrical arrangement of the plurality of the LEDs with respect to the optical center, as taught by Massieu et al., for the device of Katoh, in order to obtain asymmetrical light distribution pattern.

Allowable Subject Matter

Claims 2, 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to Claim 2 the prior art of record fails to show a headlamp including a semiconductor having a side at the end thereof wherein an optical center of the optical component is on this side.

Claim 3 is objected as claim depended on claim 2.

Response to Arguments

Applicant's arguments filed 11/22/2005 have been fully considered but they are not persuasive.

Applicant argues that Katoh does not show an optical component provided commonly to a plurality of LEDs.

In response, Fig.5 of Katoh absolutely clearly shows the optical component [34] provided commonly to a plurality of LEDs [32].

Applicant argues that Katoh does not show an optical component having an optical center on one of the plurality of LEDs.

In response, Katoh discloses an optical component [34] having the optical center on all and at the same time on each one of the plurality of the LEDs. Claim 1 does not disclose, that the optical component has focus on **only one** of the plurality of the LEDs.

Applicant argues that Katoh and Tiao et al. are non-analogous art related to a vehicular headlamp.

In response to applicant's arguments, the recitation “*vehicular headlamp*” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues that Massieu Tiao et al. are non-analogous art related to a vehicular headlamp.

In response, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

Art Unit: 2875

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Recitation “vehicular headlamp” is not structural limitation of the optical component, which can be used at any device. Also, the reference of Massieu et al. is used in 103 rejection to teach the arrangement only and Examiner does not see any reason, why this arrangement can not be used in the vehicular headlamp.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

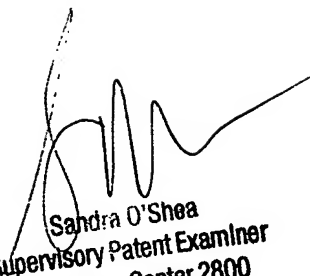
Application/Control Number: 10/776,996

Page 7

Art Unit: 2875

M.T.

January 24, 2006



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800